



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.

Washington, D.C. 20240

IN REPLY REFER TO:

JUL 24 2007

N1615(2301)

The Honorable Byron L. Dorgan
United States Senate
Washington D.C. 20510

Dear Senator Dorgan:

Thank you for your letter dated July 19, 2007, regarding the Elk Management Plan/Draft Environmental Impact Statement currently being developed at Theodore Roosevelt National Park and the potential use of volunteers to assist the National Park Service (NPS) in reducing the number of elk in the park.

The NPS is in agreement with you and the Congressional Research Service in our ability to use skilled volunteers in activities such as removing overabundant numbers of elk from Theodore Roosevelt National Park, as outlined in the enclosure. This enclosure was recently shared with Governor Hoeven.

While we have not used volunteers in the past for such activities, Rocky Mountain National Park will include the use of volunteers as a means of implementing their alternatives for elk and vegetation management in the Final Environmental Impact Statement to be released later this fall. This plan will include a number of alternatives, including the use of NPS personnel and authorized agents. These authorized agents could include personnel from cooperating agencies, tribal personnel, contractors, and skilled volunteers. We believe that the NPS has existing authority to use any of the above where deemed appropriate. The final plan will include the roles for each of these and outline the circumstances under which their use would be appropriate. Cost, efficiency, and effectiveness will be the factors that determine when supplemental personnel are needed.

Theodore Roosevelt National Park is also in the process of developing an Elk Management Plan/Draft Environmental Impact Statement. The Park has completed its initial public scoping and several draft chapters. Since that time, the NPS has evaluated its ability to use volunteers in elk reduction activities and has concluded that volunteers can be used in these activities. As the park continues to refine its alternatives, as part of that analysis, it will fully evaluate the use of skilled volunteers as a tool to be used in reducing the population of elk inside the park. A cost/benefit analysis for using volunteers versus contractors or NPS employees will also be included. In addition, our decision will be based on science, common sense, and what is in the best interest of the American public. We anticipate a draft document early in calendar year 2008.

The Honorable Byron L. Dorgan

We appreciate your personal interest in this matter. If you have additional questions or seek further clarification, please contact Dr. Michael A. Soukup, Associate Director, Natural Resource Stewardship and Science, National Park Service, 202/208-3884.

Sincerely,

A handwritten signature in cursive script that reads "Mary A. Bomar". The signature is fluid and elegant, with the first letters of the first and last names being capitalized and prominent.

Mary A. Bomar
Director

Enclosure

BUREAU: National Park Service
UNIT: NRSS
DATE: July 23, 2007
TITLE: Management of Overabundant Wildlife in National Parks

Key Issues:

- Overabundant populations of deer and elk are common in many modern landscapes, including national parks. This has led some individuals and organizations to advocate changes in legislation to more broadly mandate hunting or the use of volunteers in the management of wildlife populations in units of the National Park System.
- The NPS has several options for addressing overabundant wildlife populations.
- Hunting in NPS units is allowed only where it is either mandated or authorized by a unit's enabling authority.
- Where hunting is not mandated or authorized, the use of skilled volunteers, pursuant to the Volunteers in the Parks Act, to assist NPS in reducing deer and elk populations is compatible with existing law, regulations, and NPS Policy.

Background:

- Sixty-nine park units allow hunting, and ungulate hunting occurs in 50. These units are designated primarily as National Rivers, Lakeshores, Seashores, Recreation Areas, Preserves, and Monuments. Congress has not allowed hunting by the general public in any unit which it has designed as a national park. (In the enabling act for Grand Teton National Park, however, Congress authorized skilled hunters, deputized as rangers, to participate in approved plans for the controlled reduction of elk.).
- NPS authority over management of wildlife in units of the National Park System is clear (see, e.g., *New Mexico State Game Commission v. Udall*).
- There are planning efforts in various stages of development for managing overabundant ungulate populations in 14 NPS units. Implementation of any park decision for lethal take of excess wildlife also faces possible delays caused by litigation (e.g., challenges to density reduction of white-tailed deer at Gettysburg NMP).

Status:

- Hunting may be fully evaluated as an alternative in ungulate management plans only in park units for which Congress has previously authorized hunting on a mandatory or discretionary basis.
- Bills have been introduced by Rep. Udall (CO), Senator Allard (CO), and Senator Dorgan (ND) to allow authorized individuals (i.e., volunteer sportsmen) to assist in implementation of elk management plans by using lethal means to reduce elk populations in Rocky Mountain National Park and Theodore Roosevelt National Park.
- This legislation is unnecessary because NPS already has the authority to authorize such uses.
- Rocky Mountain National Park will include the use of volunteers in their Final EIS, which should come out in the Fall of 2007.
- Other park units (Theodore Roosevelt NP, Wind Cave NP, and others as appropriate) will fully evaluate the use of volunteers in the range of alternatives presented to the public. A cost/benefit analysis for using skilled volunteers versus contractors or NPS employees will be included. NPS believes the use of public hunters or volunteers may *not* significantly reduce the costs associated with the removal of excess ungulates. For example, the financial cost of the controlled reduction of elk at Grand Teton NP, using skilled hunters is similar to that of sharpshooters, and sharpshooting is more effective in meeting management goals and reducing indirect adverse impacts.
- Tentative time line for THRO is in Attachment I. WICA may precede the THRO schedule.

Contact: Michael Soukup, Associate Director, Natural Resource Stewardship and Science, National Park Service. (202) 208-3884.

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Attachment I: Status & Tentative Timeline for Elk Management at Theodore Roosevelt National Park

- Elk were once common in North Dakota but were extirpated by 1900.
- Forty-seven elk were reintroduced in 1985 through the completion of an Environmental Assessment and a Memorandum of Understanding among the National Park Service, North Dakota Game and Fish Department, and the United States Forest Service.
- By 1992 the population had increased to just over 400. Roundups were held in 1993 and 2000. A roundup was scheduled for January 2003 but was cancelled because of NPS policies regarding chronic wasting disease prohibited the transport of live elk.
- Chronic wasting disease has not been detected within North Dakota but has been identified in adjoining states and Canadian provinces.
- The population continues to grow and reached approximately 900 in 2007. Target population numbers range from 150-360.
- The Memorandum of Understanding between the NPS, USFS and NDGF was revised and renewed in 1993, 1997 and again in June 2003.
- According to the MOU the North Dakota Game and Fish will manage elk when they are not on lands controlled by the NPS.
- The MOU states that the NPS will manage elk consistent with NPS policies within the boundaries of Theodore Roosevelt National Park, and to monitor and evaluate vegetation within the park, conduct an aerial census of elk in the park annually plus conduct elk research and provide results to NDGF and USFS.
- Theodore Roosevelt National Park is developing an Elk Management Plan/Environmental Impact Statement (Plan/EIS).
- The NDGF and USFS were cooperating agencies in this process.
- North Dakota withdrew as a cooperating agency providing notice to the park on February 16, 2007. This occurred several days prior to the public alternative development workshops. The state cited the park's failure to list hunting as an alternative as its reason.
- Senator Dorgan introduced a bill to allow the use of state resident hunters to assist the park in elk management.
- Senator Dorgan sent a letter to Director Bomar on July 19th asking for clarification on the use of volunteers.
- The NPS will fully evaluate the use of volunteers in the alternatives presented to the public. A cost/benefit analysis for using skilled volunteers versus contractors or NPS employees will be included.

Tentative Timeline for Theodore Roosevelt Elk Management Plan

Task	Tentative Deliverable Date
Draft Chapters 1-3	9/14/07
Preliminary DEIS	12/14/07
Camera-ready DEIS	2/22/08
Notice of Availability (NOA)for NPS DEIS	3/28/08
NOA for EPA DEIS	3/28/08
DEIS Public Meeting	4/25/08
Comment Period Closes	5/30/08
Comment Analysis	6/20/08
Preparation of Draft Responses	7/18/08
Final Responses and Text Changes	8/1/08
Preparation of Camera-ready FEIS	8/22/08
NOA for FEIS	9/26/08
Distribution of FEIS	9/26/08
30-day waiting period	10/27/08
Release of ROD	10/27/08